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## **TENNESSEE RECREATION TRAILS PROGRAM (RTP)**

### **2004 Grant Round**

<b>OVERVIEW OF THE RECREATION TRAILS PROGRAM</b>
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In 1998, Congress re-authorized the Intermodal Surface Transportation Efficiency Act of 1991 under the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21).

Under this program, each state receives Recreation/Trails Program dollars based upon a predetermined formula. Half of the funds are distributed equally among all States, the other half are distributed in proportion to the estimated amount of off-road recreation fuel use in each State – fuel used for off-road recreation by snowmobiles, all-terrain vehicles, off-road motorcycles, and off-road light trucks. It is the fuel tax revenue from these recreation vehicles that funds the Recreation Trails Program.

The U.S. Department of Transportation manages the Recreation Trails Program through the Federal Highway Administration (FHWA). The RTP is a State-administered, Federal-aid program. The Department of Environment and Conservation, Recreation Educational Services Division (TDEC-RES), has been designated by the Governor to administer the Recreation Trails Program.

Through the TEA-21 legislation, the Department of Environment and Conservation, Recreation Educational Services Division, is permitted to use up to 7 percent of the monies received annually for administrative costs and up to 5 percent for education expenses relating to recreation trails.

In 1998, the Governor's Council on Greenways and Trails was created comprising of eighteen motorized and non-motorized trail users who represent diverse user interests and geographic areas. The Governor's Council was chartered to advise TDEC on the implementation of the Recreation Trails Program and to make annual recommendations to the Commissioner of TDEC regarding the allocation of these funds. Final grant allocations are decided by the Commissioner of TDEC and must be approved by the FHWA.

## **Intent of the Recreation Trails Program:**

The intent of the Tennessee Recreation Trails Program is to enhance recreation opportunity and to provide and maintain recreation trails as directed by Congress through the TEA-21.

## **What projects are eligible?**

Recreation Trails Program funds may be used for:

- ◆ Non-routine maintenance and restoration of existing trails
- ◆ Development and rehabilitation of trailside and trailhead facilities and trail linkages. These are trail components or associated facilities which serve the purpose and safe use of the recreation trail such as: drainage, crossings, stabilization, parking, signage, controls, shelters, water, sanitary and access facilities.
- ◆ Purchase and/or lease of trail construction and maintenance equipment. Any equipment purchased must be new in order to be eligible for reimbursement.
- ◆ Construction of new trails (with certain restrictions for new trails on Federal lands)
- ◆ Acquisition of easements or fee simple title to property for recreation trails or recreation trail corridors

The Recreation Trails Program requires that States use 40 percent of their funds apportioned in a fiscal year for diverse recreation trail use, 30 percent for motorized recreation and 30 percent for non-motorized recreation. If eligible projects are not received within the above categories to fully administer the available funds, then these funds may remain unobligated and held over until the next fiscal year for distribution.

- ◆ ***Motorized*** is defined as off-road recreation using any motorized vehicle. The most common modes are ATV, four-wheel drive (or other light utility vehicle), motorcycle, and snowmobile. Motorized use does not include use by electric-powered wheelchairs. "Roads" or trails where general passenger vehicles can travel are not eligible.
- ◆ ***Non-motorized*** is defined as off-road recreation by a non-motorized mode. The most common modes are bicycle, dogsled, equestrian, pedestrian (including wheelchair use), skate and ski. Non-motorized can also include walking, hiking, running, bird watching, nature interpretation, back-packing, etc.
- ◆ ***Diversified*** trails are defined as projects that provide the greatest number of compatible uses. A trail must accommodate more than one user group (multiple use) to qualify. Example: a pedestrian-only trail is a single use trail and is not considered multiple-use.

## **What types of trail projects are eligible?**

- ◆ Multi-Use Trails
- ◆ Hiking Trails
- ◆ Water Trails-Boat/River access should be limited non-motorized water access for canoe/kayak/rowboats. TEA-21 intends for motorized boat launches to be funded by USF&WS/TWRA through the Wallop-Breaux Trust Fund.
- ◆ Equestrian Trails
- ◆ Bicycle/Mountain Bike Trails

- ◆ Off-Road Motorcycle Trails
- ◆ Off-Road All-Terrain Vehicle (ATV) Trails
- ◆ Off-Highway Four-Wheel Drive Trails
- ◆ Walking and Interpretive Trails

### **Which projects are not eligible?**

Recreation Trails Program funds may not be used for:

- ◆ Property condemnation (eminent domain)
- ◆ Constructing new trails for motorized use on National Forest or Bureau of Land Management lands unless the project is consistent with that agency's approved resource management plan
- ◆ Facilitating motorized access on otherwise non-motorized trails. Funds may not be used to facilitate motorized access on trails where motorized use has been prohibited or has not occurred as of May 1, 1991.
- ◆ Brochure printing, environmental education buildings, classrooms, or park-like pavilions/amenities are not eligible.
- ◆ Costs associated with patrol vehicles.
- ◆ Equipment that will only be used to construct trails in the short term then used for non-trail uses. Equipment should be rented if it will not be used for ongoing maintenance specific to the proposed trail.
- ◆ These funds are intended for recreation trails; they may not be used to improve roads for general passenger vehicle use or to provide shoulders or sidewalks along roads.

### **Who is eligible to apply?**

State, federal and local (city/county) government agencies are eligible to apply for funding through the Recreation Trails Program. Private organizations may apply in partnership with a government agency. If there are insufficient eligible applications within a specific category (motorized, non-motorized, or diverse use), then private organizations will be considered without a public partner. The intent is that the funds will be distributed to projects that provide the most opportunities for diverse public use. Partnerships with government agencies must be official and in writing. Specific criteria for each type of applicant is described below:

#### **Public/Private Partnership Applicants:**

1. A written contract or legal agreement must be established between the agency and private organization regarding the long-term management of the proposed project.
2. If a private organization wishes to apply for funds on public property, the application must be made in partnership with the agency that owns or leases the land. The landowner will be the primary applicant and must be willing to administer the grant funds. In addition, the landowner must agree to maintain the property as funded in perpetuity.
3. A resolution must be obtained from a local, state or federal governmental entity promising to manage and maintain the project as a recreation use area in the event that the private organization cannot fulfill its long-term obligations and responsibilities to the grant contract.

**Private Organization Only Applicants:**

1. If the State of Tennessee does not receive sufficient eligible applications from public agencies or from public/private partnerships within each category (motorized, non-motorized and diverse use) to expend funding available, then applications from private organizations will be considered with the understanding that funded projects must be open to the public for a minimum of twenty-five (25) years.
2. Private organization applicants must be officially chartered by the State of Tennessee through the Office of the Secretary of State.
3. A performance bond or certificate of deposit of 25% of the total grant request must be obtained by the private organization prior to the issuance of a grant contract assuring that the property will be properly maintained for a minimum of twenty-five (25) years and open to the public for the recreation use intended in the grant contract.
4. Expenditure of funds from the Recreation Trails Program on privately owned land must be accompanied by an easement or other legally binding agreement that ensures public access to the recreation trail improvements.
5. Legally binding written assurances are required for any project on privately owned land stating that the landowner will cooperate with the State and participate as necessary in the activities to be conducted.

**Local Governments:**

1. Local government applications are required to have the signature of the Mayor or County Executive.
2. If the landowner is other than the applicant, then an easement or legally binding agreement that ensures public access to the recreation trail improvements in perpetuity must be obtained by the applicant.

**State and Federal Governments:**

1. State and Federal agencies applying must have the signature of the top agency official (Commissioner, Superintendent or Director).
2. If the landowner is other than the applicant, then an easement or legally binding agreement that ensures public access to the recreation trail improvements in perpetuity must be obtained by the applicant.

**Matching the grant-what qualifies?**

In general, the maximum Federal share for each project from the Recreation Trails Program funds is 80 percent. The applicant must provide a match of 20%. Matching the grant funds may be done through cash, labor or materials. Volunteer labor must be accounted for using forms and criteria established by the TDEC-RES. Prison labor may only be used as a match if the grant recipient pays the prison laborers. RES may be contacted if questions arise concerning what qualifies as match.

A Federal agency applicant may provide additional Federal funds, provided the total Federal share does not exceed 95 percent. Federal agency applicants (Forest Service, NPS, USF&WS, COE, TVA, etc.,) must show a non-federal match of at least five percent. Administration or in-kind use of federal employees is not eligible for the 5% non-federal match. The non-Federal match must come from project sponsors or other funding sources. For a list of potential matching funds refer to the Match List in this manual.

### **Reimbursements**

Project payment takes place on a reimbursement basis; the grantee must incur costs for work actually completed, and then submit vouchers to the State for payment. Reimbursement requests for work that takes place prior to receiving TDEC-RES's Notice to Proceed will not be accepted. Reimbursements may be submitted no more often than quarterly with a minimum reimbursement request of \$1,500 (except for the final reimbursement).

Grant recipients are required to maintain an accounting system that meets generally accepted accounting principles and for maintaining financial records to properly account for the grant and matching funds.

### **How much can I apply for?**

The minimum grant request is \$10,000. Local/community trail projects are limited to a \$100,000 maximum grant request. State or federal applicants with projects of statewide significance may be considered for additional funds. The State may waive the minimum amount of an approved grant under special circumstances. Although most projects will continue to be in the \$12,500 to \$125,000 range, additional funds will be considered on a case-by-case basis.

RTP grants are for 80% of the total project cost. When calculating the grant amount and local share, keep in mind that the 20% local share is 20% of the total project rather than 20% of the grant amount. For example, if the total project is \$62,500, 80% of the total project is \$50,000, and 20% of the total project amount is \$12,500.

### **Can I use part of the funds for planning and design expenses?**

Yes. Use of Recreation Trails Program funds for architecture, engineering, planning, surveys, environmental reviews, grant administration and/or legal expenses are eligible but limited to no more than 15 percent of the total project cost. These costs are not eligible or reimbursable if they are incurred prior to project award and approval by FHWA.

### **When can projects begin?**

After the grant is awarded, the applicant MUST wait until the TDEC-RES sends a Notice to Proceed letter indicating that the project can begin. Any construction conducted prior to the date of this letter will not be eligible for reimbursement. This letter will not be issued until TDEC-RES concurs with all environmental approvals and authorization is granted from the Federal Highway Administration. Applicants must commence construction within 180 days of the date stated in the Notice to Proceed letter. Grant

recipients that do not begin their projects within this 180 days may have their project funding withdrawn.

**How long will I have to complete the project?**

Applicants will have no more than 3 years from the effective date of the project contract to complete the project. TDEC-RES will consider extending this period for one additional year **ONLY** for good cause at the written request of the applicant.

**What are our long-term responsibilities to the proposed project?** Projects funded through the Recreation Trails Program must remain open to the public in perpetuity (forever). A trail or facility must be open to the public, not only club members or municipal residents. Should an applicant convert all or part of the project site to other than approved recreation use or lose the use of property for recreation purposes, the applicant must replace the site/facilities, at its own expense, with an acceptable project of comparable scope and quality. (Such conversions must have TDEC-RES approval)

In the event that insufficient eligible projects are received from public agencies or public/private partnerships within a specific category (motorized, non-motorized or diverse use), the TDEC-RES reserves the right to award funds to private organizations with a minimum 25-year agreement to keep the property open to the public as funded.

**ACQUISITION PROJECTS**

1. *Grant Period* – Acquisitions cannot be made prior to project contract and the acquisition must be completed within one year of the beginning date of the project contract. TDEC-RES will consider extending this period **ONLY** for good cause (i.e., financial hardship, public controversy, factors beyond applicant's control, etc.) at the written request of the applicant.
2. *Ownership* - An applicant receiving assistance from the State for acquisition must have a clear title to the acquired land and must permanently commit the land to public recreation and/or public recreation use. The applicant may be required to submit the *Notice of Limitation of Use* (NLU) which is to be filed with the Register of Deeds. The NLU must be referenced on the deed. Easements qualify and are eligible for project funding. However, the use of publicly owned permanent easements as a match will be reviewed on a case-by-case basis. Leases do not qualify for funding.
3. *Procurement* - The applicant shall purchase the property according to its locally adopted procurement/acquisition procedures. The website for information on Disadvantaged Business Enterprises (DBE's) may be found at: <http://www.tdot.state.tn.us/construction/resources.htm> .
4. *Application Documentation* - The applicant will submit for TDEC-RES's approval the documentation described in the *Application Requirements Checklist* located in this manual.

- a. Opinion of Value: The applicant will submit to TDEC-RES at a minimum an Opinion of Value, prepared by the tax assessor or a licensed/certified real estate appraiser, which establishes the estimated fair market value of the project site. If a grant is awarded, the applicant will be required to submit an appraisal prepared by a licensed/certified real estate appraiser in order to use the property as all or part of the match. The appraisal must be dated no earlier than one year prior to the closing date of the application submission period. The appraisal will be reviewed/approved by the TDEC-RES appraisal reviewer prior to the release of the RTP money to the applicant.
  - b. Survey: For all acquisition projects, the applicant will submit to TDEC-RES a survey of the project site. The survey must have been performed by a registered land surveyor, and must be dated within one year of the closing date of the application submission period. The survey must possess a North arrow and the date of the survey. A legal description of the property must be included, along with the results of a title search for the property. The title search should cover a five-year period prior to the approval of the grant project.
  - c. Boundary and Topographical Quadrangle Maps: The applicant will submit to TDEC-RES one copy of both boundary and topographical quadrangle maps of the site. These maps must indicate the legal boundaries of the site, display known easements, show the proposed trail location, and be legally sufficient to identify the area for protection as a permanent public recreation site. For more detailed instructions, see *Exhibit 1 - Project Boundary Map* and *Exhibit 2 - Topographical Quadrangle Map*.
  - d. Location Map: The applicant will submit a project location map displaying the exact location of the project site as well as indicating the nearest State highway. If the site is not currently a park or is difficult to find, provide directions with landmarks. This map must be current, accurate, and legible (see *Exhibit 3 - Location Map*).
5. *Site Development* - The applicant will have up to three years from the commencement date set forth in the contract to complete development. Land acquisitions can remain undeveloped, but the site must be open to the public and identified as public recreation land.
  6. *Permits and Environmental Review* - An environmental review will be conducted during the application period for each project. The topographical quadrangle maps submitted by the applicant must have the exact project site and boundaries clearly indicated. ***The applicant is responsible for and must obtain all necessary local, state, and federal environmental permits and approvals prior to commencement of the project.*** Copies of said permits and approvals must be included with the application. Failure to include said documentation will result in automatic point deductions from the total project score. TDEC's permit website address is: <http://www.state.tn.us/environment/permits/whoami.htm>



**Note: If the project receives a grant award, no construction or development may begin until the results of TDEC's environmental review have been obtained and the applicant has received written verification from RES in the form of a Notice to Proceed Letter to proceed with the project.**

#### **DEVELOPMENT PROJECTS**

1. *Grant Period* - The applicant will have no more than three years from the effective date of the project contract to complete the project and the contract will expire on June 30 of the final year. TDEC-RES will consider extending this period **ONLY** for good cause (i.e.: financial hardship, material shortage, factors beyond applicant's control, etc.) at the written request of the applicant.
2. *Procurement of Goods and Services* - The applicant will secure all goods and services pertinent to the project according to the locally adopted procurement procedures. If the grantee has no procurement procedures the State's procedures must be used. The website for the State's procedures is: <http://www.state.tn.us/generalserv/ba01a/topsman.pdf>. Information on Disadvantaged Business Enterprises (DBE's) may be found at: <http://www.tdot.state.tn.us/construction/resources.htm>.
3. *Application Documentation* - The applicant will submit for TDEC-RES's approval the documentation described in the *Application Requirements Checklist*.
4. *Land Value as Match* - The applicant will submit to TDEC-RES an *opinion of value* prepared by a tax assessor or a licensed/certified real estate appraiser. This opinion of value will establish the approximate land value of the project site. The opinion of value must be dated no earlier than one year prior to the closing date of the application submission period. If the grant is awarded, the applicant will be required to submit an appraisal prepared by a licensed, certified real estate appraiser to establish the official land value.
5. *Control and Tenure of Real Property to be Developed* - The applicant must either own the site in fee simple title or have a minimum 25-year lease with a local, state, federal agency. If the applicant owns the site in fee simple title or has a permanent easement, the applicant must develop and manage the site as a permanent public recreation site. The applicant must attach a copy of the agreement for the lease/easement, or, if required, the applicant must complete the *Notice of Limitation of Use* (NLU) upon award of grant. The NLU must be referenced on the deed.
6. *Permits and Environmental Review* - An environmental review will be conducted during the application period for each project. The topographical quadrangle maps that are submitted by the applicant must have the exact project site and boundaries clearly indicated. ***The applicant is responsible for and must obtain all necessary local, state, and federal environmental permits and approvals prior to commencement of the project.*** Copies of said permits and approvals must be included with the application. Failure to include said documentation will result in automatic point deductions from the total project score.

**Note: if the project receives a grant award, no construction or development may begin until the results of TDEC's environmental review have been obtained and the applicant has received written verification from RES to proceed with the project.**

7. *Boundary and Topographical Quadrangle Maps* - For all projects, the applicant will submit to TDEC-RES copies of both boundary maps and topographical quadrangle maps of the site. These maps must indicate the boundaries of the site, display known easements, and be sufficient to identify the area for protection as a permanent recreation site. For more detailed instructions, see *Exhibit 1 – Project Boundary map* and *Exhibit 2 – Topographical Quadrangle Map*.
8. *Location Map* - The applicant will submit a project location map displaying the exact location of the project site as well as indicating the nearest State highway. If the site is not currently a park or is difficult to find, provide directions with landmarks. This map must be current, accurate, and legible (see *Exhibit 3 - Location Map*).
9. *Project Development* - The applicant will submit all pertinent preliminary site, floor, and elevation plans with the application. All indoor facilities MUST clearly indicate ADA compliance throughout the building. Applicants should include trails and trailhead facilities plans/drawing as specific as possible indicating ADA accessibility. For details regarding these plans, see *Exhibit 4 - Preliminary Site Plan* and *Exhibit 5 - Preliminary Floor and Elevation Plan*.

#### **What other rules or restrictions apply?**

Termination of Grant: TDEC-RES reserves the right to terminate a project contract and demand the return of granted funds for non-compliance by an applicant. Failure by an applicant to comply with the provisions of the project contract will result in TDEC-RES declaring the applicant ineligible for participation in the RTP and LPRF/LWCF/NRTF grant programs until such time as compliance has been obtained to the satisfaction of the State of Tennessee.

Fees and Charges: If admission, user or other fees are charged for the use of the land, facilities, or buildings that were rehabilitated, developed or acquired with funding from the Recreation Trails Program, the fee structure must be reasonable and cannot be discriminatory to non-residents of the local area. Higher fees may be charged to non-residents; however they cannot exceed twice that charged to residents.

Utility Lines: Overhead utility lines constitute major safety concerns and detract from the natural quality of recreation areas. Applicants must take reasonable steps to insure burial or relocation of existing overhead lines and insure that all new electric wires under 15 KV and telephone wires be placed underground. Exceptions must be justified by experts.

ADA Compliance: Applicants, applicant sites and projects must comply with the Americans with Disabilities Act (ADA). Current ADA best practice or best information available can be found at: [www.access-board.gov](http://www.access-board.gov). Another resource for ADA information is [www.ncaonline.org](http://www.ncaonline.org).

Signage: Applicant is required to post permanent signage following construction/acquisition indicating that funds were provided by the Recreation Trails Program, Tennessee Department of Environment & Conservation, Recreation Educational Services Division and the Federal Highway Administration.

<b>KEY INFORMATION</b>
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- ◆ In order to ensure sufficient funding opportunities for all types of trail development in Tennessee, bonus points will be awarded to projects that meet the greatest needs across Tennessee and within certain geographic areas. Applicants are encouraged to apply for types of trail opportunities that are not only in great demand, but also for projects where there are not existing opportunities for such trail uses within a 25-mile radius.
- ◆ Public/private partnerships are strongly encouraged. Scoring preference will be given to projects on public land with established partnerships with support organizations regarding the proposed project (such as clubs, volunteer organizations, interest groups, etc.).
- ◆ Clubs and non-profit or volunteer organizations (private groups) cannot apply individually for funds on public property. Such groups interested in seeking funding must have an established partnership with the public agency and the public agency must agree to administer the grant funds.
- ◆ Environmental clearance from the indicated federal agencies must be obtained by the applicant and documentation enclosed in every application by the application deadline. Environmental clearance is subject to approval by the Federal Highway Administration.
- ◆ Applicants are encouraged to involve volunteer youth conservation corps or service corps in trail projects.
- ◆ The State is encouraged under law to give special consideration to project proposals that provide for the redesign, reconstruction, non-routine maintenance, or relocation of recreation trails that benefit the natural environment or mitigate and minimize the impact to the natural environment.
- ◆ A site visit will be conducted for all project finalists. Be sure to include a detailed location map and directions from the nearest major highway. Applicants will not be notified of the site visit and will not be invited to participate.